

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

-----	:	
UNITED STATES OF AMERICA	:	
	:	CASE NO. 5:07CR002
Plaintiff	:	
	:	
-VS-	:	
	:	
RICHARDO IVAN MARQUEZ	:	<u>ORDER ACCEPTING CHANGE OF PLEA</u>
	:	<u>AND JUDGMENT AND NOTICE OF</u>
Defendant	:	<u>HEARING</u>
-----	:	

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Nancy A. Vecchiarelli regarding the change of plea hearing and notice of change of plea of Richardo Ivan Marquez which was referred to the Magistrate Judge with the consent of the parties.

On 3 January 2007, the government filed a one-count indictment against Richardo Ivan Marquez for illegal reentry after deportation in violation of 8 U.S.C. § 1326. On 16 January 2007, a hearing was held in which Richardo Ivan Marquez entered a plea of not guilty before Magistrate Judge James S. Gallas. On 22 February 2007, Magistrate Judge Vecchiarelli received Richardo Ivan Marquez 's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Richardo Ivan Marquez is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The change of plea is accepted.

Therefore, Richardo Ivan Marquez is adjudged guilty of Count One in violation of 8 U.S.C. § 1326.

Sentencing will be:

4 June 2007 at 10:30 a.m.

**Courtroom 19-A
19th Floor, United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.

Dated: 15 March 2007

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE